

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MARIA BARAHONA INTERIANO,

\*

Petitioner,

\*

Case No. 1:26-cv-00723-LKG

v.

\*

KRISTI NOEM, *et al.*,

\*

Respondents.

\*

\* \* \* \* \*

MEMORANDUM OF LAW IN SUPPORT OF  
RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND  
MOTION FOR TEMPORARY RESTRAINING ORDER

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Respondents, United States Attorney General Pamela Bondi, United States Department of Homeland Security Secretary Kristi Noem, United States Immigration and Customs Enforcement (“ICE”) Baltimore Field Office Acting Director Todd Lyons and Acting Field Director Vernon Liggins (collectively, “Respondents”), by and through undersigned counsel, Kelly O. Hayes, United States Attorney for the District of Maryland, and S. Nicole Nardone, Assistant United States Attorney for that District, hereby respond to the Petition for Writ of Habeas Corpus (ECF 1) and Petitioner’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction (ECF 6) (“Motion for TRO”) and further move this Court to deny Petitioner’s requested relief.

I. INTRODUCTION

The Court should deny Petitioner’s request for immediate relief or for this Court to hold a bond hearing and should dismiss Petitioner’s Motion for TRO. First, although Petitioner’s counsel emphasizes that Petitioner has no criminal history and has strong family ties to the U.S., he fails

to acknowledge Petitioner's numerous ATD violations (a total of 13) since she entered the U.S. in 2023 and, that the government therefore has a legitimate interest in evaluating her flight risk prior to her release. Second, Courts routinely have found that the proper avenue for relief for petitioners detained under 8 U.S.C. § 1226 is a bond hearing with the Immigration Court and Petitioner's speculative and unripe claims that she will be denied due process before an immigration judge do not justify her immediate release. Petitioner is also unable to demonstrate that she warrants the extraordinary relief of a TRO pursuant to the *Winter* factors. Most significantly, Petitioner fails to demonstrate a likelihood of success on the merits of her claims, either based on her speculative and unripe concerns that she will not receive due process in a bond hearing before an immigration judge or based on the claims related to how DHS's scheduling procedures have impacted her asylum proceedings. These later claims are not related to Petitioner's detention and therefore are not appropriately addressed through a writ of habeas corpus.

## **II. PROCEDURAL HISTORY**

On February 21, 2026, Petitioner filed a Petition for Writ of Habeas Corpus (ECF 1), in which Petitioner alleged that 8 U.S.C. § 1226 should apply to Petitioner's detention and, to the extent Petitioner was being held in mandatory detention under 8 U.S.C. § 1225(b), her detention violated due process and the constitution. On February 23, 2026, the Court entered an Order directing the parties to meet and confer and file a joint status report on or before February 25, 2026, proposing a schedule for briefing the Petition. ECF 5. On February 24, 2026, Petitioner filed an Emergency Motion for Temporary Restraining Order ("TRO"), requesting the Court order her immediate release, as opposed to the standard relief this Court has granted in these cases, i.e. a bond hearing pursuant to 8 U.S.C. § 1226. ECF 6. On February 25, 2026, the Court ordered the parties to meet and confer on a briefing schedule for the TRO and the habeas petition, and set a

hearing for the TRO on March 3, 2026. On February 25, 2026, the parties filed a Joint Notice, along with a briefing schedule (ECF 9) that was entered by the Court on February 27, 2026 (ECF 10).

**A. The Parties' Joint Notice Agreeing That No Further Briefing Or Argument Is Necessary On The Statutory Basis For Detention**

On February 25, 2026, the parties filed a Joint Notice indicating that no briefing or hearing was required with regard to the question of whether someone who was detained was subject to mandatory or discretionary detention under 8 U.S.C. § 1225, or § 1226 as that issue had already been briefed many times by Respondents, and Respondents would rely on the briefing in its prior referenced cases. ECF 9 at 1. Petitioner agreed as to the “statutory question raised in the Petition.” *Id.*

**B. Petitioner Requested Briefing On The Due Process Claims Raised And The Appropriate Remedy**

In the parties' Joint Notice, however, Petitioner provided that “additional briefing was necessary to address the due process claims and appropriate remedy.” ECF 9 at 2. Respondent appears to have raised the remaining issues:

**1. Due Process Claims Raised In the Remedy Section of the Petition**

In Count III, Petitioner urges the Court to conclude that Petitioner is detained under 8 U.S.C. § 1226(a). In so doing, Petitioner asserts that “historically” the bond procedures under § 1226(a) have adequately served the interests of the government in ensuring petitioners appear for bond hearings and protect the community by allowing immigration judges to make individualized assessments as to flight risk and danger to the community.” ECF 1 at ¶72. In the “Proposed Remedy” section, however, Petitioner asks to sidestep this process and requests “immediate release,” arguing that “[t]he recent institutional transformation of the immigration court system

has . . . eroded due process protections precluding the impartial adjudication of Petitioner’s bond request that 1226(a) and due process requires.” *Id.* at ¶72. Petitioner alleges, based on declarations from an immigration attorney and former immigration judges that “the immigration court system has morphed into a body that is structurally incapable of ensuring Petitioner’s statutory and constitutional rights.” *Id.* at ¶73, citing Petitioner’s Exhibits 3-6. Based on the foregoing, Petitioner requests that she be immediately released or that this Court conduct a bond hearing. *Id.* at p. 21.

## 2. Due Process Claims Raised In The TRO

In Petitioner’s Motion for TRO, Petitioner alleges that “DHS’s filing of a materially false form” a Form I-830, “Notice to EOIR: Alien Address” after her detention on February 21, 2026, to “secure a change in venue and the immigration court’s advancement of [Petitioner’s asylum] hearing date by two weeks with no notice present serious due process concerns beyond those already highlighted in her Petition.” ECF 6 at 4. In her Motion, Petitioner seeks immediate release or, alternatively, a Court order that she not be transferred out of Maryland or Virginia pending the adjudication of her habeas petition. *Id.* at 7.<sup>1</sup>

## III. FACTUAL BACKGROUND

On or about August 29, 2023, Petitioner was encountered by United States Border Patrol at or near Eagle Pass, Texas, and issued a Notice to Appear (“NTA”) charging her with inadmissibility pursuant to Immigration and Nationality Act (“INA”) § 212(a)(6)(A)(i) (8 U.S.C. § 1182(a)(6)(A)(i)), as an alien present in the United States without admission or parole. *See* Exhibit (“Exh.”) A, August 31, 2023, Notice to Appear (“NTA”). On August 23, 2024, Petitioner submitted an Form I-589, Asylum Application. *See* Exh. B (Form I-589, Asylum Application).

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<sup>1</sup> Notably, this request is moot as Petitioner has already been transferred out of Maryland and is currently detained in Louisiana.

Around this time, Petitioner also enrolled in ATD ISAP program and under the ISAP Program Rules Agreement, petitioners agree to: comply with all ICE, Court, and release order requirements; comply with her weekly schedule and/or schedule conditions imposed by ICE; comply with all required and scheduled appointments at the ISAP offices and as directed by ICE; arrive on time for all court, ERO, and ISAP appointments; and allow authorized personnel to enter her home for all unscheduled home visits. Records show that from September 3, 2023 to December 31, 2025, Petitioner violated her ATD terms thirteen times. *See* Exh. C (list of Petitioner's ATD violations).

On February 20, 2026, due to Petitioner's ATD violations, ICE revoked Petitioner's release pursuant to 8 U.S.C. § 1226(b) and 8 C.F.R. § 236.1(c)(9), arrested her pursuant to a Warrant for Arrest of Alien, Form I-200, and detained her. *See* Exh. D (Form I-200, Warrant for Arrest). The same day, Petitioner was provided with a custody determination. *See* Exh. E. (Form I-286, Notice of Custody Determination). Petitioner is presently detained at the South Louisiana ICE Processing Center in Basile, Louisiana.

#### **IV. LEGAL STANDARDS**

##### **A. Writ of Habeas Corpus**

"A federal court may grant habeas relief only on the ground that the petitioner is in custody in violation of the Constitution or laws or treaties of the United States." *Torrence v. Lewis*, 60 F.4th 209, 213 (4th Cir. 2023) (internal citations omitted). After receiving the petition and any response thereto, "[t]he court shall summarily hear and determine the facts and dispose of the matter as law and justice require." 28 U.S.C. § 2243. "[T]he heart of habeas corpus," the Supreme Court has noted, is to allow a detainee to "challeng[e] the fact or duration of his physical confinement," and to "seek[ ] immediate release or a speedier release from that confinement." *Preiswer v. Rodriguez*, 411 U.S. 475, 498 (1973).

**B. Temporary Restraining Order**

A temporary restraining order (“TRO”) or a preliminary injunction is warranted when the movant demonstrates that (1) the movant is likely to succeed on the merits, (2) the movant will likely suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities favors preliminary relief, and (4) injunctive relief is in the public interest. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). The movant must establish all four elements in order to prevail. *Accident, Inj. and Rehab., PC v. Azar*, 943 F.3d 195, 201 (4th Cir. 2019); *Frazier v. Prince George's County*, 86 F.4th 537, 544 (4th Cir. 2023) (“[A] preliminary injunction can be granted only if every factor is met[,] [y]et denying a preliminary injunction only takes the rejection of a single factor.”) (internal citations omitted).

**V. ARGUMENT**

**A. The Court Should Deny Petitioner’s Requested Remedy In Her Petition Of “Immediate Release” Based On Her Unripe And Speculative Claims That An Immigration Judge Will Deny Her Due Process**

There is no basis for Petitioner’s request that this Court order her immediately released from custody. Pursuant to the parties Joint Notice, the Court may issue an order that Petitioner is detained under 8 U.S.C. § 1226 and is entitled to a bond hearing before an immigration judge consistent with 8 C.F.R. §§ 236.1(d), 1003.19 and 1236.1(d), at which the immigration judge shall decide the merits of Petitioner’s request for release from custody and she will receive due process. Detention pursuant to 8 U.S.C. § 1226 does not contemplate Petitioner’s release without the government’s opportunity to evaluate her flight risk and danger to the community and Petitioner’s record of ATD violations belies her counsel’s claims that she should merely be released without

consideration of these factors because she has “no criminal history, has strong family ties to the U.S. and a long duration of residency.” ECF 1 at ¶74.

**1. The Proper Avenue For Petitioner To Challenge Her Detention Is To Request a Bond Hearing With the Immigration Court**

Pursuant to the plain language of 8 C.F.R. § 236.1(d), Petitioner is free to request a bond hearing in the Immigration Court. See 8 C.F.R. § 236.1(d)(1) (“After an initial custody determination by [DHS], including the setting of a bond, the [alien] may, at any time before an order under 8 CFR part 240 becomes final, request amelioration of the conditions under which he or she may be released.” (emphasis added)). This is plainly the proper avenue for relief from custody where Petitioner has been detained under 8 U.S.C. § 1226. Although Petitioner argues that she should be immediately released, the vast majority of Courts, including those in this District, have found that petitioners detained under 8 U.S.C. § 1226 are entitled to a bond hearing -- not immediate release. *See e.g. Garcia Vigil v. Noem*, Case No. 1:25-cv-03329-JRR. *See* Exh. F, November 4, 2025 Transcript in *Garcia Vigil* (Judge Rubin finding *Yajure Hurtado* “materially distinguishable” and that she was “not persuaded to excuse [p]etitioner’s administrative process of seeking a bond hearing.”) Judge Rubin ultimately denied the habeas petition without prejudice “in view of Respondents’ express statement that Petitioner [was] entitled to seek a bond hearing and that his detention [was] discretionary pursuant to 8 U.S.C. § 1226” and noting that the “order is without prejudice to Petitioner’s entitlement to seek a bond hearing before an Immigration Judge; and to pursue subsequent relief as he sees fit.” *See also Machado-Meza v. Bondi*, Case No. 1:26-cv-00424-TDC (Feb. 18, 2026) (“The Court will order that [Petitioner] receive the bond hearing requested and to which he is entitled . . . As to [Petitioner’s] argument that the Court should order his immediate release because a bond hearing would be preordained against him, he has not presented sufficient evidence to make such a finding . . . [based on] anecdotal evidence from

immigration attorneys in Maryland and the fact that some immigration judges have been terminated . . . If [Petitioner] is not released on bond, and he gathers additional evidence to support his argument . . . he may seek to supplement his Petition with such evidence.”); *Ruiz v. Bondi*, Case No. 1:26-cv-00417-DLB (Feb. 18, 2026) (finding Petitioner subject to detention under 8 U.S.C. § 1226(a) and therefore entitled to a bond hearing and that Petitioner’s fears that he would be denied bond or would be given a prohibitively high bond were “speculative at this point” and “[i]mmediate release [was] not the appropriate remedy.”) In light of the foregoing, Petitioner’s proper avenue for relief is a bond hearing with an immigration judge and not immediate release.

**2. Petitioner’s Speculative and Unripe Claims Do Not Justify Immediate Release Nor Do They Overcome The Government’s Substantial Interest In Evaluating Her Flight Risk And Risk To The Community Prior To Release**

Petitioner’s counsel’s vague and speculative claims that Petitioner will not be afforded sufficient due process due to “[t]he recent institutional transformation of the immigration system” that have “eroded due process protections precluding the impartial adjudication of Petitioner’s bond request,” relying on declarations of immigration counsel and former immigration judges, are insufficient to establish Petitioner’s entitlement to immediate release. ECF 1 at ¶¶ 73-74.

Petitioner cannot establish standing to challenge a harm she has not yet suffered; thus, her speculative claims that she will be denied due process before the immigration judge are not ripe for this Court’s consideration. These unsubstantiated and unripe claims also fail to overcome the government’s substantial interest in evaluating Petitioner’s flight risk and danger to the community prior to her release. *See Rodriguez v. Perry*, 747 F.Supp. 3d 911, 917 (E.D.Va. Sept. 3, 2024) (finding that habeas petitioner detained under 8 U.S.C. § 1226 “was not entitled to immediate release”), citing *Rodriguez-Diaz v. Garland*, 53 F.4th 1189, 1213 (9th Cir. 2022) (recognizing that while both interests are substantial, “the private interest of a detained alien under § 1226(a) is

lower than that of a detained U.S. citizen, and the governmental interests are significantly higher in the immigration detention context.”). *See also Miranda v. Garland*, 34 4th 338, 364 (4th Cir. 2022) (concluding “importantly,” that “during the deportation process, [the] government[‘s] interest includes detention” and that deportation proceedings “would be vain if those accused could not be held in custody pending the inquiry into their true character.”) Indeed, as discussed *supra*, most courts in this District that have considered the issue have denied petitioners immediate release.

**B. The Court Should Deny Petitioner’s Motion for A Temporary Restraining Order As Petitioner Has Failed To Demonstrate That She Satisfies The *Winter* Factors**

To start, the Court should decline to address the claims raised in Petitioner’s Motion for TRO as they are not raised in the Petition and, therefore, are not properly before the Court.<sup>2</sup> *See Zachair, Ltd. v. Driggs*, 965 F. Supp. 741, 748 n.4 (D. Md. 1997), *aff’d*, 141 F.3d 1162 (4th Cir. 1998) (explaining that plaintiff “is bound by the allegations contained in its complaint and cannot, through the use of motion briefs, amend the complaint”). Nonetheless, even if the Court were to consider the claims raised in Petitioner’s Motion for TRO, Petitioner has failed to establish a likelihood of success on the merits of her claims -- specifically, the central demand of her Petition and her TRO that she be immediately released from custody – based on her claims related to how DHS’s scheduling procedures impact her asylum proceedings. Petitioner has also failed to demonstrate that she satisfies the other *Winter* factors.

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<sup>2</sup> Indeed, Petitioner concedes in her Motion for TRO that the claims raised therein are not presented in the Petition. *See* ECF 6 at 4 (noting that the issues raised in the TRO “present serious due process concerns beyond those already highlighted in her Petition.”)

**1. Petitioner Fails To Demonstrate A Likelihood Of Success On Her Habeas Petition Based On Her Speculative Claims That She Will Be Denied Due Process Before An Immigration Judge Or Her Claims Related To How DHS's Scheduling Procedures Have Impacted Her Asylum Proceedings**

As discussed *supra*, Petitioner cannot establish a likelihood of success on the merits of habeas petition based on her speculative and unripe claims that she will be denied due process before an immigration judge. Petitioner's claims based on the filing of an I-830 and its impact on her asylum proceedings fare no better.

**a. Petitioner Fails To Demonstrate Some Nefarious Intent Based On DHS's Filing Of An I-830 Or Its Policies For Streamlining Hearings**

Petitioner alleges that "one day after [she] filed her habeas petition, [DHS] filed a Form I-830, Notice to EOIR: Alien Address, with the Hyattsville Immigration Court falsely claiming [she] was "[d]etained by ICE and transferred on ...February 21, 2026," to the "South Louisiana ICE Proc Ctr [sic]" located in Basile, Louisiana. *See* ECF 6, citing Petitioner's Exh. 2. Petitioner alleges that "[t]he filing of a false Form I-830 is not some minor administrative error of no consequence" referencing a policy memorandum ("Addendum to Policy Memorandum 25-30") that provides that "[w]hen DHS detains an alien with pending proceedings on a non-detained docket, EOIR may clerically transfer the alien's proceedings to the immigration court with jurisdiction over the relevant detained docket," which, Petitioner provides "is usually where the person is detained." ECF 6 at 3. Petitioner then alleges that "on February 24, 2026, relying on DHS's false Form I-830, EOIR not only changed the venue of [Petitioner's] removal proceedings from Maryland to . . . Louisiana to be heard by a Department of Defense detailee, it moved up her individual hearing to March 4, 2026, just five business days from the date the hearing was noticed." *Id.* Petitioner further alleges that she was not provided notice of the transfer or the new hearing

date. *Id.* Based on the foregoing, Petitioner concludes that “the convenient timing of DHS’s false filing, one day after [Petitioner’s] filed her habeas petition, the choice of Louisiana as a venue, and rapid acceleration of her individual hearing smacks of forum shopping and a race to obtain a final decision in her removal proceedings that may preclude the grant of habeas relief or hinder her prospects for release should the Court order a bond hearing.” *Id.* at 4.

To start, Petitioner’s claims fail to demonstrate some nefarious intent on behalf of DHS in the filing of an I-830 or based on the cited policy, as it clearly is within the discretion of DHS to streamline procedures and schedule Petitioner’s removal and immigration hearings in the same location. Further, as discussed in the attached declaration of Assistant Field Officer Joe Burki, dates on I-830s are frequently inaccurate in hindsight as they merely contain a detainee’s anticipated date of travel and may be subject to change based the availability of detention space and unexpected travel interruptions. *See* Ex. G (Declaration of Assistant Field Officer Joe Burki). And, indeed, in this instance, Field Officer Burki indicates that the February 21, 2026, date indicated on the “transferred” line was a clerical error and Burki has produced a corrected Form I-830 showing the correct transfer date. *See* Ex. H (Corrected Form I-830).

**b. Petitioner’s Claims Related To How DHS’s Scheduling Procedures Impact Her Asylum Proceedings Are Not Related To Her Detention And Not Properly Remedied Through A Writ of Habeas Corpus**

Even if Petitioner’s challenges to the aforementioned policies had merit (and they do not), they do not raise due process claims related to her detention that this Court may remedy through a habeas petition. In *DHS v. Thuraissigiam*, the Supreme Court reiterated that “habeas is at its core a remedy for unlawful executive detention.” 591 U.S. 103, 119 (2020) (cleaned up). In *Thuraissigiam*, an asylum seeker in immigration detention brought a habeas claim seeking “vacatur of his ‘removal order’ and ‘an order directing the Department to provide him with a new

opportunity to apply for asylum and other relief from removal.” *Id.* at 117–18 (alterations omitted). The Supreme Court observed that the asylum seeker “[did] not want ‘simple release’ but, ultimately, the opportunity to remain lawfully in the United States.” *Id.* at 119. Because that relief fell outside the originalist “core” of habeas, the asylum seeker’s habeas claim failed. *See id.* at 119–20 (“Respondent and amici . . . have not unearthed evidence that habeas was [at the time of the founding] used to obtain anything like what is sought here, namely, authorization for an alien to remain in a country other than his own or to obtain administrative or judicial review leading to that result.”). As the Court observed, in *Thuraissigiam* “[t]he relief that a habeas court may order and the collateral consequences of that relief are two entirely different things. Ordering an individual’s release from custody may have the side effect of enabling that person to pursue all sorts of opportunities that the law allows . . . [b]ut a writ of habeas could not be used to compel an applicant to be afforded those opportunities . . .” *Id.* at 124. (cleaned up). Therefore, to the extent Petitioner alleges that DHS’s actions in detaining him have had a negative impact on his asylum proceedings, his remedy does not exist in a habeas petition.

Further, not every misstep or procedural irregularity raises constitutional challenges to one’s detention that sound in habeas. As this Court has observed:

“[W]hen the judicial power to issue habeas corpus properly is invoked[,] the judicial officer must have adequate authority . . . to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Boumediene v. Bush*, 553 U.S. 723, 787 (2008). But “not every procedural misstep or difficulty raises anything like a constitutional difficulty.” *Teng v. Mukasey*, 516 F.3d 12, 17 (1st Cir. 2008). And while habeas is a proper vehicle “to challenge detention that is without statutory authority” or violative of the Constitution, it is not a proper vehicle for vindicating every procedural error the Government may have committed along the way. *See Zadvydas[v. Davis]*, 533 U.S. [678] 687–88 [(2001)]. *That sort of relief can be sought administratively, see, e.g., 8 U.S.C. § 1003, or in certain, specified federal courts, particularly the courts of appeals, see, e.g., id. § 1252. For that*

reason, in assessing Petitioner's right to the habeas remedy, the Court looks to the overall reasonableness of his detention, not to whether the Government was flawless in its execution. *See Zadvydas*, 533 U.S. at 682, 121 S.Ct. 2491; *Boumediene*, 553 U.S. at 793–94, 128 S.Ct. 2229.

*I.V.I. v. Baker*, No. CV JKB-25-1572, 2025 WL 1811273, at \*3 (D. Md. July 1, 2025) (cleaned up) (emphasis added). As the Court found in *Baker*, even if the Court were to find that the government violated immigration statutes and regulations in moving the location and date of Petitioner's asylum hearing without her notice, the ultimate question for purposes of this habeas petition is whether Petitioner's detention is in violation of due process. Petitioner has failed to establish that it does, either based on her speculative claims related to the bond hearing for which she has not applied or based on the rescheduling of her asylum application hearing in which she seeks relief from removal from the United States, that is wholly unrelated to her detention.

**2. Petitioner Has Also Not Established That She Merits Her Requested Relief Based On The Remaining *Winter* Factors**

Petitioner has also failed to establish that she merits the requested relief, immediate release, based on the remaining *Winter* factors. Petitioner has failed to establish any irreparable injury -- especially when, as discussed, Petitioner is unable to establish that she has suffered due process based on her speculative and unripe claims. The Supreme Court's "frequently reiterated standard requires plaintiffs seeking preliminary relief to demonstrate that irreparable injury is likely in the absence of an injunction." *Winter*, 555 U.S. at 22 (emphasis added). "Issuing a preliminary injunction based only on a *possibility* of irreparable harm is inconsistent with our characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Id.* (emphasis added). Conclusory or speculative allegations do not establish a likelihood of irreparable harm. *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 812 (4th Cir. 1991); *see also Scotts Co. v. United Indus. Corp.*, 315

F.3d 264, 283 (4th Cir. 2002) (“The plaintiff must make a clear showing of irreparable harm and the required irreparable harm must be neither remote nor speculative, but actual and imminent.”). Here, where Petitioner has not yet sought or had a bond hearing before an immigration judge her due process claims are plainly speculative. Thus, in these circumstances, “the ‘possibility’ of harm is plainly insufficient to warrant the extraordinary relief of a [temporary restraining order].” *See Dawson v. Asher*, 447 F.Supp. 3d 1047, 1051 (W.D.Wash. 2020).

Petitioner has also failed to establish irreparable harm based on her claims related to DHS’s rescheduling of her asylum proceedings. Although Petitioner argues that she now only has a week to prepare for her immigration proceedings that have been rescheduled, the record shows Petitioner applied for asylum in 2023 so there is no reason she could not have obtained materials in support of her application sooner. Indeed, the proceedings have only been moved up a few weeks so presumably much of this preparation may already be under way and if more time is needed there is no reason Petitioner’s counsel could not request an extension. Thus, Petitioner has failed to establish that this alleged harm is irreparable.

The balance of the equities and the interests of the public also weigh in favor of the Respondent. Although Petitioner plainly has an interest in her personal freedom. The government and the public, however, also have an interest in evaluating Petitioner’s flight risk and risk to the community prior to her release, especially in light of her numerous ATD violations. *See Rodriguez-Diaz v. Garland*, 53 F.4th 1189, 1213 (9th Cir. 2022) (recognizing that while both interests are substantial, “the private interest of a detained alien under § 1226(a) is lower than that of a detained U.S. citizen, and the governmental interests are significantly higher in the immigration detention context.”). *See also Miranda v. Garland*, 34 4th 338, 364 (4th Cir. 2022) (concluding “importantly,” that “during the deportation process, [the] government[‘s] interest includes

detention” and that deportation proceedings “would be vain if those accused could not be held in custody pending the inquiry into their true character.”)

## VI. CONCLUSION

For the foregoing reasons, the Court should deny Petitioner’s request for immediate release and deny Petitioner’s Motion for a TRO.

Dated: February 27, 2026

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th day of February 2026, a copy of the foregoing was served electronically on all parties and counsel receiving service via CM/ECF in this case.

/s/ S. Nicole Nardone  
S. Nicole Nardone  
Assistant United States Attorney